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MINUTES OF COUNCIL REGULAR MEETING – SEPTEMBER 15, 2009

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, SEPTEMBER 15, 2009, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager
Nicole Cottle, CED Director
John Evans, Fire Chief
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Russell Willardson, Public Works Director
Jim Welch, Finance Director
Mike Wells, Acting Police Chief
Tim Bywater, Acting City Attorney
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Russ Bailey, Public Works Department
Fabian Zullo, Public Works Department
Chad George, Public Works Department
Winston Burns, Public Works Department
Matthew Atkinson, Public Works Department
Ubaldo Tapia, Public Works Department

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OPENING CEREMONY

The Opening Ceremony was conducted by Corey Rushton who noted it was Municipal Election Day and he read a poem with an election theme.

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14688 **APPROVAL OF MINUTES OF REGULAR MEETING HELD
SEPTEMBER 1, 2009**

The Council read and considered the Minutes of the Regular Meeting held September 1, 2009. There were no changes, corrections or deletions.

After discussion, Councilmember Coleman moved to approve the Minutes of the Regular Meeting held September 1, 2009, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14689 **EAC QUARTERLY DIVISION AWARD – FACILITIES DIVISION,
PUBLIC WORKS DEPARTMENT**

Councilmember Rushton read the nomination of the Facilities Division, Public Works Department, to receive the EAC Quarterly Division Award.

The City Council congratulated the employees and expressed appreciation for their jobs well done on behalf of West Valley City.

14690 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the comment period:

Fynbo (no first name given), 4160 West 3830 South, addressed the City Council. He informed a meeting for senior citizens had been scheduled from 2:00 to 4:00 P.M. in room 450 at the State Capitol regarding benefits and services. He invited City Council members or their senior relatives to attend.

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RESOLUTION NO. 09-292, APPROVE AN AMENDMENT TO THE AMPHITHEATER EVENT MANAGEMENT AGREEMENT BETWEEN THE CITY AND PRISTINE ALPINE ENTERTAINMENT, LLC, FOR THE USANA AMPHITHEATER

City Manager, Wayne Pyle, presented proposed Resolution No. 09-292, which would approve an Amendment to the Amphitheater Event Management Agreement between the City and Pristine Alpine Entertainment, LLC, (PAE) for the USANA Amphitheater.

Mr. Pyle stated the subject amendment would change the payment schedule of the subject agreement, which original agreement provided that PAE pay the City a flat fee of \$150,000.00 to provide management services to USANA Amphitheater. He indicated the amendment would change the formula to a reduced flat fee of \$75,000.00 and an additional payment of \$.75 for each paid amphitheater ticket in excess of \$130,000 per year. He advised there was no cap on the additional \$.75 per ticket payments.

The City Manager reported that when the Amphitheater had been constructed, PAE contracted with the City to provide certain management services. He stated the City had subcontracted those services to Centennial Management Group. He advised that over its years of operation, the number of events at the Amphitheater had been subject to quite a wide variation in number of events and attendance. The proposed changes to the agreement would bring the payments for management services more in line with the attendance. The flat payment would ensure the City's costs were covered and provide PAE with a stable management expense combined with the per ticket payment to provide the City with more revenue in busy years.

Mr. Pyle further advised USANA was current with their payments and staff believed there was some financial advantage to the City for staying in the agreement. Upon inquiry regarding if the \$75,000 included the police and fire expense, the City Manager indicated it would strictly be for Centennial Management. He explained the City provided the public safety service to USANA. He stated public safety service costs in the future would more accurately reflect the level of services received. Upon inquiry by Councilmember Coleman regarding the cost of public safety, the City Manager explained the cost of public safety was different according to the type of event being held. Councilmember Burt inquired if the City received parking revenue from the event. The City Manager stated that was in fact the case and the money went directly to the City.

After discussion, Councilmember Winder moved to approve Resolution No. 09-292, a Resolution Approving an Amendment to the Amphitheater Event

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Management Agreement between the City and Pristine Alpine Entertainment, LLC, for the USANA Amphitheater. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14692

RESOLUTION NO. 09-293, AUTHORIZE THE CITY TO PURCHASE THE CURRENT STREET LIGHTING SYSTEM FROM PACIFICORP, DBA ROCKY MOUNTAIN POWER

City Manager, Wayne Pyle, presented proposed Resolution No. 09-293 which would authorize the City to purchase the current street lighting system from Pacificorp, dba Rocky Mountain Power, in the amount of \$1,300,000.00.

Mr. Pyle stated the purchase agreement included approximately 5,572 streetlights, 1,716 dedicated poles, 143,550 feet of underground wire, and 85,800 feet of overhead wire. He indicated the exact quantities were to be determined by a detailed inventory. He further stated funds would come from the street light reserve fund.

The City Manager reported that in 1992 the City entered into an agreement with Utah Power & Light (currently known as Rocky Mountain Power) to install City-wide street lighting. He indicated the street light system was owned and maintained by the power company and the City paid for the system in accordance with the Public Service Commission Rate Schedule 11. He further indicated the rate schedule included paying for power, maintenance and fees. He explained the agreement signed in 1992 expired in 2002, however, Rocky Mountain Power had continued to provide power and maintenance for the street lights and the City continued to pay the Schedule 11 rate. However, if the City purchased the streetlights, the City would be able to change to an energy only rate schedule, which would save the City money. He also stated in order to switch to an energy only rate schedule the City must purchase the existing street light system from the power company.

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Mr. Pyle indicated the City currently paid approximately \$1,032,000 per year for street lighting. He stated this included approximately \$264,000 for energy and \$768,000 for maintenance and fees. He further stated the Public Works Department estimated owning the street light system would cost the City the same energy cost plus \$250,000 per year for maintenance, leaving a net savings of \$500,000 per year.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-293, a Resolution Authorizing the City to Purchase the Current Street Lighting System from Pacificorp dba Rocky Mountain Power. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14693

RESOLUTION NO. 09-294, APPROVE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE CITY FOR JOINT POLICE OPERATIONS TO COMBAT METH

City Manager, Wayne Pyle, presented proposed Resolution No. 09-294 which would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake City for joint police operations.

Mr. Pyle stated the proposed agreement would provide for working together with Salt Lake City for the purpose of disrupting and responding to criminal activity involving illicit drugs, prostitution, and illegal gang activity in Salt Lake City and West Valley City neighborhoods.

The City Manager reported Salt Lake City had acquired grant funds through the COPS 2007 Methamphetamine Grant Award which they desired to use to fund joint crime fighting operations to combat problems of illegal narcotics, prostitution and illegal gang activity adversely affecting the quality of life for citizens living in Salt Lake City and West Valley City.

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Mr. Pyle further reported the Salt Lake City Police Department and the West Valley City Police Department had learned through experience that many of the same subjects who committed crime in one jurisdiction were the same subjects committing crime in other jurisdictions. He indicated pushing these criminal elements from one jurisdiction to the next did nothing to create a permanent solution to the problems. By working together to address those issues there would be better success at improving the quality of life in neighborhoods in both West Valley City and Salt Lake City. He stated the grant funds would be used to pay overtime to officers and detectives involved in the joint operations so as not to affect the daily operations of either Department.

After discussion, Councilmember Coleman moved to approve Resolution No. 09-294, a Resolution Approving an Interlocal Cooperation Agreement between West Valley City and Salt Lake City for Joint Police Operations to Combat Meth. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14694

RESOLUTION NO. 09-295, AUTHORIZE ACCEPTANCE OF AN ASSISTANCE AGREEMENT WITH THE U.S. DEPARTMENT OF ENERGY FOR GRANT FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR USE ON ENERGY-SAVING PROJECTS AND PROGRAMS

City Manager, Wayne Pyle, presented proposed Resolution No. 09-295 which would authorize acceptance of an Assistance Agreement with the U.S. Department of Energy for grant funds under the American Recovery and Reinvestment Act of 2009 for use on energy-saving projects and programs.

Mr. Pyle stated the purpose of the Energy Efficiency and Conservation Block Grant (EECBG) Program was to assist the City in creating and implementing strategies to:

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- Reduce fossil fuel emissions in a manner environmentally sustainable and to the maximum extent practicable; maximize benefits for local and regional communities
- Reduce the total energy use of eligible entities
- Improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors

He also stated a number of different projects had been considered and evaluated based on initial cost and energy savings. He discussed the following projects that had been selected and submitted in June via the City's application:

1. Indoor lighting conversion
2. Parking lot lighting conversion
3. Lighting control automation
4. Building HVAC automation conversion
5. 3500 South street lights
6. Traffic signal coordination

The City Manager pointed out the above projects had more fully been explained on the Activity Worksheets, copies of which had been distributed to members of the Council. He advised estimates were these projects would reduce the City's energy costs by approximately \$200,000 annually. He further advised that money would be reinvested in future energy-saving projects and programs.

Mr. Pyle indicated the EECBG Program did not require a local match. However, the City's application included a budget of \$171,211.00 from Rocky Mountain Power's FinAnswer Express Retrofit Lighting Incentive Program, and \$381,468.00 from City funds previously budgeted for the 3500 South Street Lighting Project.

After discussion, Councilmember Burt moved to approve Resolution No. 09-295, a Resolution Authorizing the Acceptance of an Assistance Agreement with the U.S. Department of Energy for Grant Funds Under the American Recovery and Reinvestment Act of 2009 for use on Energy-Saving Projects and Programs. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes

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Mr. Rushton
Mayor Nordfelt

Yes
Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, SEPTEMBER 15, 2009, WAS ADJOURNED AT 6:48 P.M. BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, September 15, 2009.

Sheri McKendrick, MMC
City Recorder

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